GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – APWAS –Payment of arrears of price adjustment in respect of labour, machinery and other materials as per G.O.Ms.No.22, I&CAD, dated: 23-02-2015 – Payments made in violation of orders issued by Government in EPC Packages 1&5 of Pullasubbaiah Veligonda Project- Punishment of 5% cut in pension for a period of one year imposed on Sri C. Saraswathi Kumar, PAO (Retd.) under of Rule 9 of A.P. Revised Pension Rules, 1980 – Orders – Issued.

FINANCE (ADMN.II-DWA-PAO) DEPARTMENT

G.O.MS.No. 141 **Dated: 27-08-2018**
Read the following:-

1. G.O.Rt. No.1968, Finance (Admn.II) Dept., dt. 19.09.2016.
2. Written Statement of defence of the Sri C. Saraswathi Kumar, PAO, Ongole (Rtd.) dt: 22-09-2016.
3. G.O.Rt.No.39 Finance (Admn-II) Department, dt: 09-01-2017.
4. The Director of Works Accounts file No. DOWA-11021/41/2017-SEC I/DWA, dt: 31-08-2017.
5. Memo No. 973/253/WA/Admn.II/2016, dt. 27.06.2018.
6. The Director of Works Accounts file No. DOWA-11021/260/2017-SEC I/DWA, dt: 18-07-2018.

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ORDER:

In the reference 1st read above, the following charges have been framed against Sri C. Saraswathi Kumar, PAO, Ongole (Retd.), on the allegations made against him in payment of arrears of price adjustment in EPC Packages No.1 & 5 of PSVGP in violation of orders of Government and in accordance with the procedures in PACS (CCA) Rules, 1991.

Charge: "That the said Sri C. Saraswathi Kumar, PAO, while working as Pay and Accounts Officer, W&P, Ongole has made payment of arrears of price adjustment towards labour, machinery and other materials in respect of PSVGP Packages V.I & V.5 in two bills for Rs. 18,54,10,354/- (i.e.Rs. 14,07,51,757 + Rs. 4,46,58,597) duly obtaining the Form 67 from Chief Engineer and paid the bills without approval of Government, which is a major violation of the guidelines issued by the Government through G.O. Ms.No. 22, I&CAD (Reforms) Department, dated. 23.02.2015. This amounts dereliction of duties and disobedience to the Government instructions. Thus he has violated Rule 3(1) of APCS Conduct Rules, 1964."

2. In the reference 2nd read above, the charged officer Sri C. Saraswathi Kumar, PAO Ongole (Retd.) has submitted his written statement of defence and it has been examined and found not convincing.

3. In the reference third read above, Government has appointed Sri. J. Manohar, Joint Director of Works Accounts, Works & Projects., Kadapa as Inquiring Authority to inquire into the charges framed against Sri. V. Yesobu, Joint Director of Works Accounts, Works & Projects, Ongole, Sri. C. Saraswathi Kumar, Pay and Accounts Officer, Ongole. Sri. G. Richard Ravi, Superintendent and K. Srinivasa Rao, Senior Assistant, Office of the Pay and Accounts Office, Works & Projects, Ongole and in File No.C.No.973/253/WA/Admn.II/2016 exercise of powers conferred by sub- rule Rule 20 (5) (c) of Andhra Pradesh Civil Services (CC&A) Rules 1991 appointed Sri P. Gangadhara Rao, Joint Director, Works & Projects, Dowlaiswaram as Presenting Officer to present the case before the Inquiry Authority on behalf of the disciplinary authority.

4. The Inquiry officer, in his report vide reference fourth read above, held that the charge levelled against the Sri C. Saraswathi Kumar, PAO, Ongolr (Retd.) have not been proved. The DWA has agreed with the finding of the inquiry. But, Government disagrees with the inquiry report, as there is contradiction between findings and recommendations of inquiry officer. After, going through the entire issue, the findings of the inquiry officer are not agreed. If any ambiguity identified by the Officers while implementing the GOs or instructions issued by the Government, the clarification may be obtained from the higher authorities or from the Government instead of obtaining clarification from the SE or CE of the Project. Further, the orders issued in G.O.Ms.No.22, I & CAD (Reforms) Department, dt.23-02-2015 are very clear and any guidelines issued subsequently are within the purview of the original orders

5. In the reference 5th read above, the Government have provisionally decided to impose the punishment of 5% cut in pension on the individual for a period of one year from the date of superannuation under Rule 9 of A.P. Revised Pension Rules, 1980. Accordingly, show cause notice was issued to the individual to explain as to why the punishment of withholding of 5% in pension for a period of one year should not be imposed on him under Rule 9 of A.P. Revised Pension Rules, 1980 for the charges framed against him.

6. In the reference 6th cited above, the charged officer Sri C. Saraswathi Kumar, PAO, Ongole (Retd.) in his reply to show cause notice, has requested the Government to kindly consider his case sympathetically and with draw the proposed punishment of 5% cut in pension for a period of one year on humanitarian grounds.

7. Government after careful examination of the material on record, do not find any reason to modify the provisional punishment indicated and hereby order to impose a punishment of withholding of 5% pension for a period of one year on the charged officer Sri C. Saraswathi Kumar, PAO, Ongole (Retd.) under Rule 9 of A.P. Revised Pension Rules, 1980.

8. The Director of Works Accounts, A.P. Ibrahimpatnam shall take further necessary action in the matter accordingly.

9. Copy of this order is available on Internet and can be accessed at address https: //www.goir.ap.gov.in.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MUDDADA RAVI CHANDRA
SECRETARY TO GOVERNMENT (Expr.)

To

1. Sri C. Saraswathi Kumar, PAO, Ongole (Retd.) through the Director of Works Accounts, A.P., Ibrahimpatnam.

2. The Director of Works Accounts, A.P., Ibrahimpatnam.

Copy to:

SF/SCs (Comp.No. 102801)

// FORWARDED:: BY ORDER//

SECTION OFFICER